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UNITED STATES PATENT AND TRADEMARK OFFICE

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U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte STEVEN J. JOHNSON and KRZYSZTOF W. KORCZ

Application No. 10/651,205

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences (hereinafter the "Board") on August 24, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

On April 8, 2005, appellants filed an Appeal Brief under the new rules set forth in 37 CFR § 41.37(c), effective September 13, 2004. On June 3, 2005, the examiner entered an Examiner's Answer in response to appellants' Brief. However, a review of the file reveals that the Examiner's Answer does not comply with the headings as set forth in the new rules under 37 CFR § 41.37(c), namely, the headings of "Evidence Appendix" and Related Proceedings Appendix," and the heading entitled "Prior Art of Record" needs to be changed to "Evidence Relied Upon."

Accordingly, it is

ORDERED that the application is returned to the examiner to:

(1) vacate the Examiner's Answer mailed on June 3, 2005 and issue a revised Examiner's Answer in compliance with the new rules effective September 13, 2004; and

(5) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
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By: 

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CRF/clm/jb